

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

The HJH Consulting Group, Inc.  
dba The SALT Group  
*Plaintiff,*

V.

CELLECT LLC  
*Defendant.*

SA09CA0378 XR  
CIVIL ACTION NO.

## DESIGNATION OF COUNSEL OF RECORD

Plaintiff's Counsel:

Mrs. Lori Hall  
Texas Bar No. 24062761  
Lori Hall, P.C.  
874 Harper Road, Ste. 101  
Kerrville, TX 78028

**Defendant's Counsel:**

Robert Henneke  
Texas Bar No. 24046058  
Attorney At Law  
840 Earl Garrett Street  
Kerrville, TX 78028  
(830) 257-9788 (p)  
(830) 257-0944 (f)

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

The HJH Consulting Group, Inc.  
dba The SALT Group  
*Plaintiff,*

v.

CELLECT LLC  
*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§

**SA09CA0378 XR**  
CIVIL ACTION NO. \_\_\_\_\_

INDEX OF STATE COURT DOCUMENTS

Date Filed	Document
n/a	Docket Sheet
04/07/09	Plaintiff's Original Petition
04/07/09	Citation

Logout Search Menu New Civil Search Back

Location : All Courts Help

**REGISTER OF ACTIONS**

CASE No. 09351A

THE HJH CONSULTING GROUP, INC., D/B/A THE SALT GROUP §  
VS. COLLECT, LLC §  
§  
§  
§Case Type: **Accounts, Contracts,  
Notes**  
Date Filed: **04/07/2009**  
Location: **216th District Court****PARTY INFORMATION**

<b>Defendant</b>	<b>Collect, LLC</b> Service Corporation Service Co., Reg. Agent 80 State Street Albany, NY 12207	<b>Lead Attorneys</b>
<b>Plaintiff</b>	<b>The Hjh Consulting Group, Inc</b> Dba The Salt Group	Hall, Lori Ann  <i>Retained</i>

**EVENTS & ORDERS OF THE COURT**

	<b>OTHER EVENTS AND HEARINGS</b>
04/07/2009	<b>Original Petition</b>
04/07/2009	<b>Citation</b> given to attorney for service Collect, LLC served 04/20/2009 response due 05/11/2009

**FINANCIAL INFORMATION**

	<b>Plaintiff The Hjh Consulting Group, Inc</b>	
	Total Financial Assessment	247.00
	Total Payments and Credits	247.00
	<b>Balance Due as of 05/10/2009</b>	<b>0.00</b>
04/07/2009	Transaction	237.00
	Assessment	
04/07/2009	Transaction	8.00
	Assessment	
04/07/2009	Transaction	2.00
	Assessment	
04/07/2009	Payment	(247.00)
	Receipt # DC-17685	
	Hall, Lori Ann	

FILED  
AT 3:35 O'CLOCK P.M.

09351 A

CAUSE No. \_\_\_\_\_

APR - 7 2009  
Linda Uecker, Dist. Clerk, Kerr County, Texas  
by *[Signature]*The HJH Consulting Group, Inc.  
dba The SALT Group®  
Plaintiff

IN THE DISTRICT COURT

v.

216<sup>th</sup> JUDICIAL DISTRICTCELLECT LLC  
Defendant

KERR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION & REQUEST FOR DISCLOSURE

Plaintiff, The HJH Consulting Group, Inc. dba The SALT Group® files this Original Petition against Defendant, Collect LLC as follows:

A. Discovery-Control Plan

1. Plaintiff intends to conduct discovery under Level 1 of Texas Rule of Civil Procedure 190.2 because this suit involves only monetary relief totaling \$50,000 or less, excluding court costs, prejudgment interest, and attorney fees.

B. Parties

2. Plaintiff, The HJH Consulting Group, Inc. dba The SALT Group® (hereinafter "TSG"), is a Texas corporation with its principal place of business in Kerr County, Texas.

3. Defendant, Collect LLC (hereinafter "Collect") is a nonresident (foreign corporation) incorporated in the state of Delaware.

4. The Texas Secretary of State is the proper agent for service of process on Collect, per Section 17.044(b) of the Texas Civil Practice & Remedies Code, because (1) Defendant is a nonresident (foreign corporation) who (2) engaged in business in Texas, (3) does not maintain a regular place of business in Texas or (4) a designated agent for service of process and (5) the lawsuit arises from the Defendant's business in Texas.

5. Collect's principal place of business in the state of New York is 12 New Street, Johnsonville, New York, 13452. Service of Defendant by the Texas Secretary of State is proper in New York on Collect's registered agent: Service Corporation Service Company, 80 State Street, Albany, New York, 12207.

C. Jurisdiction and Venue

6. Jurisdiction is proper in under Section 17.042 of the Texas Civil Practices & Remedies Code (Texas long arm jurisdiction) because Defendant is a nonresident (foreign

corporation) doing business in the state who contracted by mail or otherwise with a Texas resident and either party is to perform the contract in whole or in part in Texas.

7. Venue is proper in Kerr County, Texas because a substantial part of the events or omissions giving rise to TSG's claims occurred in Kerr County, Texas, and this lawsuit involves a written contract that expressly names Kerr County as a place for performance.

D. Facts

8. TSG and Collect are parties to a Comprehensive Tax Service Agreement (hereinafter "Agreement") dated February 2, 2008.

9. TSG entered the New York premises of Collect with their permission for the sole purpose of providing examination, review and analysis of Defendant's tax records, taxes paid or payable and accounts payable transactions (hereinafter collectively "Services") to identify/obtain tax refunds, tax benefits, tax credits and/or reduce audit assessments, including penalty and interest, (hereinafter collectively "Refunds") on Defendant's behalf.

10. Collect has materially breached its payment obligations under the Agreement.

E. Count 1 – Breach of Contract

11. Plaintiff incorporates paragraphs 1-10 as if they were reproduced in their entirety herein.

12. Defendant breached Defendant's Agreement with Plaintiff.

13. On February 2, 2008, TSG and Collect executed a valid and enforceable written Agreement. The Agreement provided that TSG would provide Services to Collect. TSG identified/obtained Refunds totaling \$53,001.76.

14. Per the Agreement, if TSG identified/obtained Refunds, Collect agreed to pay Plaintiff 50% of Refunds received from taxing authorities, vendors and/or other parties (hereinafter "Fee") and future benefits, equal to fifty percent of the total Fee (hereinafter "Futures").

15. TSG fully performed its' contractual obligations. Collect received notice from TSG that Refunds totaling \$53,001.76 had been identified on March 23, 2009. Collect was invoiced on March 24, 2009 and TSG requested payment of \$15,426.56 which is the amount due TSG as per the Agreement.

16. TSG filed for Refunds on April 7, 2009 with the proper taxing authorities. Thus \$9,806.97 became due and payable to TSG upon this event.

17. Collect has informed TSG, in writing on April 3, 2009, they will not remit payment to TSG until paid in full which is a direct breach of the Agreement. Collect's

breach has caused injury to Plaintiff, which resulted in the following damages: Liquidated damages of \$21,046.14, plus accrued interest.

18. As a result of the conduct of Collect, TSG has been required to retain the undersigned attorney and has agreed to pay a reasonable and necessary fee. As per Texas Civil Practice & Remedies Code, Chapter 38.001, TSG is entitled to recover all reasonable and necessary attorneys fees incurred in connection with the prosecution of this action, plus its costs of court.

E. Count 2 – Quantum Meruit

19. Plaintiff incorporates paragraphs 1-18 as if they were reproduced in their entirety herein.

20. Plaintiff provided defendant with valuable Services. Plaintiff entered the premises of Defendant with permission and provided the agreed Services. Defendant accepted the Services.

21. Plaintiff provided the Services for Collect's benefit. Plaintiff identified/obtained Refunds on behalf of Collect totaling \$53,001.76.

22. Defendant knew or should have known that Plaintiff expected compensation when Defendant accepted the Services. The Agreement distinctly states the payment terms agreed to by the parties.

23. Because Plaintiff expected compensation, Defendant's acceptance of the Services without payment resulted in the following damages: Liquidated damages of \$39,654.45, plus accrued interest.

24. Attorney fees. Plaintiff is entitled to recover reasonable attorney fees under Texas Civil Practice & Remedies Code section 38.001(1)-(3) because this is a suit for quantum meruit. Plaintiff retained counsel, who presented plaintiff's claim to Defendant. Defendant did not tender the amount owed within 30 days of when the claim was presented.

F. Jury Demand

25. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

G. Conditions Precedent

26. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

H. Request for Disclosure

27. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

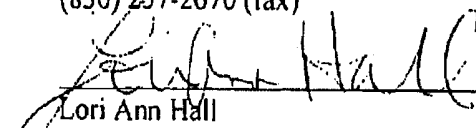
I. Prayer

28. For these reasons, Plaintiff asks that the court awarded a judgment against Defendant for the following:

- a. Judgment for the amount due on the account.
- b. Prejudgment and post-judgment interest.
- c. Court costs.
- d. Attorney fees.
- e. All other relief to which plaintiff is entitled.

Respectfully submitted,

Lori Hall Law, P.C.  
874 Harper Rd., Ste 101  
Kerrville, Texas 78028  
(830) 257-2630 (office)  
(830) 257-2670 (fax)

  
Lori Ann Hall  
State Bar No. 24062761

Attorney for Plaintiff  
The HJH Consulting Group, Inc.  
dba The SALT Group®

DEFENDANT'S  
COPY

CITATION  
PERSONAL SERVICE

\*\*\*\*\*

CLERK OF THE COURT  
LINDA UECKER, DISTRICT CLERK  
700 Main Street, Suite 236  
Kerrville, Texas 78028

Attorney For Plaintiff  
Lori Hall Law, P.C.  
874 Harper Road, Suite 101  
Kerrville, TX 78028

\*\*\*\*\*  
TO: Collect LLC  
Service Corporation Service Co Reg Agent  
80 State Street  
Albany NY 12207

RECEIVED  
SECRETARY OF STATE  
APR 13 2009  
9:30 AM  
CITATIONS UNIT

DEFENDANT- GREETING

\*\*\*\*\*  
THE STATE OF TEXAS:

CAUSE NO. 09351A

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 am on the Monday next following the expiration of 20 day after the date you were served this citation and petition, a default judgment may be taken against you.

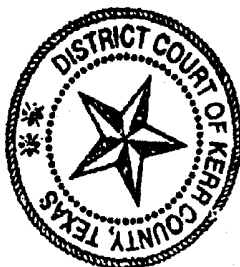
You are commanded to appear by filing a written answer to the Plaintiff's Petition at or before 10:00 o'clock A.M. on the Monday next after the expiration of 20 days after the date of service hereof, before the Honorable 216th District court of Kerr County, Texas. Said petition was filed on 04/07/2009 on the docket of said court and styled ,

THE HJH CONSULTING GROUP, INC., D/B/A THE SALT GROUP VS. CELLECT, LLC

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Kerrville, Texas on this the 7th day of April, 2009



LINDA UECKER, DISTRICT CLERK  
216th District Court  
Kerr County, Texas

By Bobbie Garcia Deputy  
Bobbie Garcia

00164769



OFFICER'S RETURN

Came to hand on the \_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ o'clock \_\_\_M and  
executed the \_\_\_ day of \_\_\_\_\_ 20\_\_ by delivering to defendant  
\_\_\_\_\_ in person, a true copy of this citation with a  
copy of the petition attached thereto on \_\_\_ day of \_\_\_\_\_ 20\_\_ at  
\_\_\_\_\_ o'clock \_\_\_M at \_\_\_\_\_ in \_\_\_\_\_  
County, Texas.

[ ] Not executed. The diligence use in finding defendant  
being \_\_\_\_\_

[ ] Information received as to the whereabouts of defendant  
being \_\_\_\_\_

Fees . \$ \_\_\_\_\_

\_\_\_\_\_ Sheriff / Constable / District Clerk  
\_\_\_\_\_ County, Texas

By \_\_\_\_\_ Deputy

\*\* Service by Rule 106 TRC if directed by attached Court Order



CORPORATION SERVICE COMPANY

## Notice of Service of Process

EZB / ALL  
Transmittal Number: 6569439  
Date Processed: 04/20/2009

Primary Contact: Scott C Smith  
Collect LLC  
15 Autumn Drive  
Centerville, MA 02632

---

Entity:	Collect LLC Entity ID Number 2048658
Entity Served:	Collect LLC
Title of Action:	HJH Consulting Group, Inc. vs. Collect LLC
Document(s) Type:	Citation/Petition
Nature of Action:	Contract
Court:	Kerr County District Court, Texas
Case Number:	09351A
Jurisdiction Served:	New York
Date Served on CSC:	04/20/2009
Answer or Appearance Due:	10:00am on the Monday next following the expiration of 20 days
Originally Served On:	CSC
How Served:	Certified Mail
Plaintiff's Attorney:	Lori Ann Hall 830-257-2630

---

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC  
CSC is SAS70 Type II certified for its Litigation Management System.  
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | [sop@cscinfo.com](mailto:sop@cscinfo.com)

## The State of Texas



Citations Unit  
P.O. Box 12079  
Austin, Texas 78711-2079

Phone: 512-463-5560  
Fax: 512-463-0873  
TTY (800) 735-2989  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

### Secretary of State

April 15, 2009

Collect LLC  
Service Corporation Service Co Reg Agent  
80 State Street  
Albany, NY 12207

**2009-164769-1**

Include reference number in  
all correspondence

RE: The HJH Consulting Group Inc dba The Salt Group VS Collect LLC  
216th Judicial District Court Of Kerr County, Texas  
Cause No: 09351A

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on April 13, 2009.

CERTIFIED MAIL #71603901984813023344

Refer correspondence to:

Lori Ann Hall  
Lori Hall Law, PC  
874 Harper Rd., Ste. 101  
Kerrville, TX 78028

Sincerely,

A handwritten signature in cursive script that reads "Helen Lupercio".

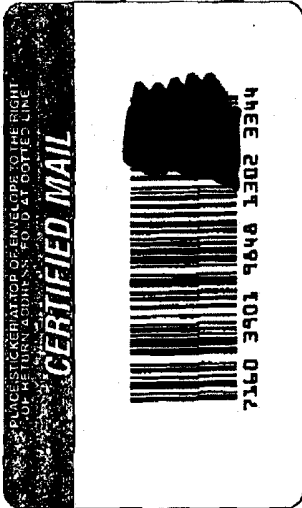
Helen Lupercio  
Team Leader, Citations Unit  
Statutory Documents Section

hl/vo  
Enclosure



SECRETARY OF STATE  
CITATIONS UNIT  
P.O. BOX 12079  
AUSTIN, TEXAS 78711-2079

Thank you for using Return Receipt Service



Collect LLC  
Service Corporation Service Co Reg Agent  
80 State Street  
Albany, NY 12207

Thank you for using Return Receipt Service

